

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**IN RE: PHARMACEUTICAL
INDUSTRY AVERAGE
WHOLESALE PRICE LITIGATION**

This Document Relates to:
ALL ACTIONS

MDL NO. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**CO-LEAD COUNSEL, HOFFMAN & EDELSON, LLC'S EX PARTE MOTION
PURSUANT TO FED. R. CIV. PROC. 23(h) TO STAY CO-LEAD COUNSEL'S
DISTRIBUTION OF FEES WITH REGARD TO THE CLASS SETTLEMENTS**

Co-lead counsel, Hoffman & Edelson, LLC ("Movant"), hereby moves the Court for an Order requiring a stay of Co-Lead Counsel's distribution of fees from the settlement of Bristol-Meyers Squibb and AstraZeneca or in the alternative, if fees have been distributed to Co-Lead Counsel, said fees shall be returned to be held by an escrow agent pending resolution of the fairness of the proposed allocation, and further requests that the Court schedule a conference at its earliest convenience to review the proposed attorney's fee allocation with regard to the class settlements. The reasons therefore are stated in the accompanying Memorandum of Law and Declaration of Marc H. Edelson, attached hereto as Exhibits.

RULE 7.1 CERTIFICATION

The undersigned counsel certifies pursuant to Rule 7.1 that he conferred with Co-Lead Counsel on the issues raised in the foregoing Motion, or that he has attempted to so do, and has been unable to resolve the issues without Court intervention.

Respectfully submitted,

/s/ Marc H. Edelson
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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of December, 2011 a true and correct copy of the foregoing CO-LEAD COUNSEL, HOFFMAN & EDELSON, LLC'S EX PARTE MOTION PURSUANT TO FED. R. CIV. PROC. 23(h) FOR ALLOCATION OF FEE WITH REGARD TO THE CLASS SETTLEMENT and [Proposed Order] was served on all counsel of record by causing same to be posted electronically via CM/ECF.

By: /s/ Marc H. Edelson
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